

UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF ADMINISTRATIVE LAW JUDGES

<p>The Secretary, United States</p>
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<p>Department of Housing and Urban Development, on behalf of Ronald Wooton, Darlene Wooton and the South Suburban Housing Center (SSHC)</p>
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Charging Party,

Ronald Wooton and Darlene Wooton,

Intervenors,

v.

Cecil D. Timmons and Patricia Timmons,

Respondents.

HUDALJ Nos. 05-98-1000-8

05-98-1476-8

Decided: February 21, 2001

Elizabeth Crowder, Esq.  
For the Charging Party

Kathleen K. Clark, Esq.  
Miriam N. Geraghty, Esq.  
For the Intervenors

Bruce L. Cook, Esq.  
For the Respondents

Before: WILLIAM C. CREGAR  
Acting Chief Administrative Law Judge

## **INITIAL DECISION AND ORDER ON APPLICATION FOR ATTORNEY FEES**

On January 9, 2001, Intervenor Ronald and Darlene Wooton, filed a Motion seeking \$49,888 for attorneys fees and \$615.30 for costs. Respondents have filed no opposition to Intervenor's motion or to the amounts sought. Intervenor seeks fees for Miriam N. Geraghty, Kathleen K. Clark, and Jeffrey Taren, its attorneys during this litigation. Ms. Geraghty filed an affidavit stating that they had expended a total of 260.87 hours of work apportioned as follows: 188.82 hours spent by Ms. Clark at a billing rate of \$150 per hour; 69.5 hours spent by Ms. Geraghty at a billing rate of \$300 per hour; and 3 hours by Mr. Taren, also at a billing rate of \$300 per hour. The Motion is supported by affidavits of two attorneys familiar with the market for attorneys who litigate civil rights cases in Chicago. These attorneys state that the claimed rates of \$150 per hour for Ms. Clark and \$300 per hour for Ms. Geraghty and Mr. Taren are reasonable.

### **Applicable Law**

The Fair Housing Act, as amended, 42 U.S.C. §§ 3601, *et seq.* ("the Act"), provides that a prevailing party in an administrative proceeding is entitled to recover attorney fees. 42 U.S.C. § 3612(p); *see* 24 C.F.R. § 180.705. A prevailing party is one whose success on significant issues achieves sought after results. *See Busche v. Burkee*, 649 F.2d 509, 521 (7th Cir.), *cert. denied*, 454 U.S. 897 (1981); *see also Dixon v. City of Chicago*, 948 F.2d 355, 357-358 (7th Cir. 1991).<sup>1</sup>

The burden of establishing the reasonableness of the requested rate, as well as the number of hours expended on litigation, is on the applicant. *Hensley v. Eckerhart*, 461 U.S. 424, 433, 437 (1983). A reasonable rate is the prevailing market rate in the relevant legal community. *Blum v. Stenson*, 465 U.S. 886, 895 (1984). An attorney's expertise is a consideration in determining the rate. *See id.* at 898.

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<sup>1</sup>These and numerous cases cited in this decision are cases interpreting the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988 ("CRA Fees Act"). Cases interpreting the CRA Fees Act also apply to the Fair Housing Act. *See* 42 U.S.C. § 3602(o).

An applicant must submit an accounting of the time expended on litigation, ordinarily including an affidavit providing dates and the nature of the work performed. *See Calhoun v. Acme Cleveland Corp.*, 801 F.2d 558 (1st Cir. 1986). The application for fees must be sufficient to ascertain that the applicant's attorney worked on an issue upon which applicant prevailed, that the work did not constitute an unwarranted duplication of effort, and that the time involved was not excessive. *Hensley* at 434, 437; *Tomazzoli v. Sheedy*, 804 F.2d 93, 97 n.5 (7th Cir. 1986).

### **Discussion**

Respondents were found to have violated the Act and damages were assessed against them. Accordingly, Intervenor is prevailing party and Respondents are liable for reasonable attorney fees and expenses. *See* 24 C.F.R. § 180.705(b).

Ms. Geraghty's affidavit detailing the hours spent working on this case and the reasonableness of the rates is sufficiently detailed and complete to allow me to conclude that the rates are reasonable, that the work did not constitute an unwarranted duplication of effort, and that the time involved was not excessive.

### **Conclusion and Order**

Accordingly, within 45 days the date this initial decision becomes final, Respondents are **ORDERED** to pay Intervenor's attorney fees in the amount of \$49,888 and its costs in the amount of \$615.30.

/s/

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WILLIAM C. CREGAR  
Acting Chief Administrative Law Judge

